

### **AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A defect management information setting method for setting defect management information for managing a defect area in a data area of an information recording medium, comprising: a step of dividing the data area into a plurality of partial areas such that logical addresses continue and setting defect management information for each partial area, wherein the plurality of partial areas includes first and second partial areas corresponding to first and second data types for recording thereon and a partial area where defect management is not performed.

2. (Original) The defect management information setting method as claimed in claim 1, wherein the defect management information includes information on determination criteria for detecting a defect area, and the determination criteria is independently set for each of at least two areas in the plurality of partial areas.

3. (Canceled)

4. (Currently Amended) The defect management information setting method as claimed in claim [[3]] 1 or 2, wherein the information recording medium is a disc-like medium, and the partial area where the defect management is not performed is provided in an inner periphery side of a partial area where defect management is performed.

5. (Original) The defect management information setting method as claimed in claim 1 or 2, wherein the defect management information includes information on a replacement area of the defect area, and the replacement area is set for each partial area.

6. (Currently Amended) The defect management information setting method as claimed in claim [[3]] 1 or 2, wherein the defect management information includes information on a replacement area of the defect area, and the replacement

area is set for each of partial areas of the plurality of partial areas excluding a partial area where the defect management is not performed.

7. (Original) The defect management information setting method as claimed in claim 5, wherein the replacement area is provided between two partial area, and the logical addresses continue between a partial area right before the replacement area and a partial area right after the replacement area.

8. (Original) The defect management information setting method as claimed in claim 5, wherein, in at least one partial area of the plurality of partial areas, a corresponding replacement area is provided adjacent to the at least one of the partial area.

9. (Original) The defect management information setting method as claimed in claim 5, wherein, in at least one partial area of the plurality of partial areas, corresponding replacement areas are provided in the at least one partial area in a distributed manner.

10. (Original) The defect management information setting method as claimed in claim 1, wherein the step of setting the defect management information is performed when initializing the information recording medium.

11. (Original) The defect management information setting method as claimed in claim 1, wherein a method for dividing the data area and a defect management scheme for each partial area are set by a user.

12. (Original) The defect management information setting method as claimed in claim 1, further comprising a step of recording the defect management information on a predetermined area of the information recording medium.

13. (Original) The defect management information setting method as claimed in claim 1, wherein the defect management information includes an identifier for identifying a data structure of the defect management information.

14. (Original) A recording method for recording data on a data area of an information recording medium, comprising: a step of determining, based on the defect management information set by the defect management information setting method claimed in claim 13, whether an identifier included in the defect management information corresponding to a partial area to which an area where the data is to be recorded belongs is known; and a step of permitting data recording when the identifier is known as a result of the determination.

15. (Original) A defect management method for managing a defect area in a data area of an information recording medium, comprising: performing defect management of a recording area where data is recorded based on information on the recording area and defect management information that is set by the defect management information setting method as claimed in claim 1.

16. (Currently Amended) A computer readable recording medium recording a program used in an information recording apparatus for recording data on an information recording medium, the program causing a control computer for the information recording medium to execute: a step of dividing a data area into a plurality of partial areas such that logical addresses continue and setting defect management information for each partial area, wherein the plurality of partial areas includes first and second partial areas corresponding to first and second data types for recording thereon and a partial area where defect management is not performed.

17. (Currently Amended) The ~~program~~ computer readable recording medium as claimed in claim 16, the program further causing the control computer to execute a step of recording the defect management information on a predetermined area of the information recording medium.

18. (Currently Amended) The ~~program~~ computer readable recording medium as claimed in claim 16 or 17, wherein the defect management information includes an identifier for identifying a data structure of the defect management information, and the program further causes the control computer to execute: a step of determining, based on the defect management information set by the step of setting, whether the identifier corresponding to a partial area to which an area where the data is to be recorded belongs is known; and a step of permitting data recording when the identifier is known as a result of the determination.

19. (Currently Amended) The ~~program~~ computer readable recording medium as claimed in claim 16, the program further causing the control computer to execute: a step of performing defect management of a recording area where data is recorded based on defect management information that is set by the step of setting and information on the recording area.

20. (Canceled)

21. (Currently Amended) An information recording apparatus for recording data on an information recording medium, comprising: setting means for dividing a data area of the information recording medium into a plurality of partial areas such that logical addresses continue and setting defect management information for each partial area; recording means for recording data on the data area; and defect management means for performing defect management for a recording area where the data is recorded based on information on the recording area and the defect management information, wherein the plurality of partial areas includes first and second partial areas corresponding to first and second data types for recording thereon and a partial area where defect management is not performed.

22. (Original) The information recording apparatus as claimed in claim 21, wherein the defect management information includes information on determination criteria for detecting a defect area, and the setting means set the

determination criteria independently for each of at least two areas in the plurality of partial areas.

23. (Canceled)

24. (Currently Amended) The information recording apparatus as claimed in claim ~~[[23]]~~ 21 or 22, wherein the information recording medium is a disc-like medium, and the partial area where the defect management is not performed is provided in an inner periphery side of a partial area where defect management is performed.

25. (Original) The information recording apparatus as claimed in claim 21 or 22, wherein the defect management information includes information on a replacement area of the defect area, and the setting means sets the replacement area for each partial area.

26. (Currently Amended) The information recording apparatus as claimed in claim ~~[[23]]~~ 21 or 22, wherein the defect management information includes information on a replacement area of the defect area, and the setting means sets the replacement area for each of partial areas of the plurality of partial areas excluding a partial area where the defect management is not performed.

27. (Original) The information recording apparatus as claimed in claim 25, wherein the replacement area is provided between two partial area, and the logical addresses continue between a partial area right before the replacement area and a partial area right after the replacement area.

28. (Original) The information recording apparatus as claimed in claim 25, wherein, in at least one partial area of the plurality of partial areas, a corresponding replacement area is provided adjacent to the at least one of the partial area.

29. (Original) The information recording apparatus as claimed in claim 25, wherein, in at least one partial area of the plurality of partial areas, corresponding replacement areas are provided in the at least one partial area in a distributed manner.

30. (Original) The information recording apparatus as claimed in claim 21, wherein the setting means sets the defect management information when initializing the information recording medium.

31. (Original) The information recording apparatus as claimed in claim 21, wherein a method for dividing the data area and a defect management scheme for each partial area can be set by a user.

32. (Original) The information recording apparatus as claimed in claim 21, wherein the recording means records the defect management information on a predetermined area of the information recording medium.

33. (Original) The information recording apparatus as claimed in claim 21, wherein the defect management information includes an identifier for identifying a data structure of the defect management information.

34. (Original) The information recording apparatus as claimed in claim 33, wherein the recording means records the data when an identifier included in the defect management information corresponding to a partial area to which an area where the data is to be recorded belongs is known.